

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

4. Attached hereto as Exhibit B is a copy of Defendant's Answer to the Complaint.

5. Attached hereto as Exhibit C is a copy of the current ECF Docket Sheet.

6. We were first consulted by Plaintiff in January 2008, and have continued as counsel for Plaintiff from that time through the present.

7. Plaintiff seeks reasonable attorneys' fees for the time his Counsel expended in connection with this matter. TWG maintains contemporaneous computerized records of time expended in all matters through the use of LexisNexis Total Practice Advantage 9.0 ("Time Matters"), a comprehensive litigation management software program. Time Matters tracks and organizes time, expenses, and other information concerning all matters handled by the firm.

8. Every attorney and paralegal who worked on this case has kept contemporaneous time records of the time spent working on the matter. The detailed time, billing, and expense records are set forth in schedules created and organized by Time Matters. Attached hereto as Exhibit D are contemporaneous detailed time records associated with this matter, organized by attorney and paralegal.

9. Attached hereto as Exhibit E are contemporaneous detailed expense records of the out-of-pocket costs and office charges incurred in this matter.

10. TWG has a significant number of clients who pay our hourly billable rates, including individuals seeking employment advice and counseling, as well as representation in litigation, and management-side clients in need of both litigation and transactional employment work. As established by the hourly paying client engagements of our firm, the customary billing rates for myself and my partners at TWG are \$750 an hour or higher.

Attached hereto as sealed Exhibit F are redacted copies of 10 executed retainer agreements entered into with some of TWG's billable paying clients reflecting our current hourly rates.²

11. The hourly rates of the other lawyers and staff at TWG are consistent with the billing rates at firms that handle individual and multi-plaintiff employment cases. Specifically, our customary billing rates for senior associates (five or more years of practice) are \$575-600 per hour and the rates for more junior associates range approximately from \$400-550 per hour. (*See* Ex. F). Finally, our customary billing rates for paralegals and legal assistants is \$185 per hour. (*See id.*).

QUALIFICATIONS OF KENNETH P. THOMPSON

12. I am a founding partner of TWG. I have been practicing law for 16 years with a primary focus on employment, criminal, and civil litigation. I am a member of the bar of the State of New York. I am also admitted to practice before the Second Circuit Court of Appeals, and the United States District Courts for the Southern and Eastern Districts of New York.

13. I received an undergraduate degree *magna cum laude* from John Jay College.

14. I received a Juris Doctor from the New York University School of Law in 1992. I also received the Arthur T. Vanderbilt Medal for outstanding contributions to NYU Law School.

15. Following law school, I had the privilege of serving as a federal law clerk for the former Chief Judge of the Western District of Michigan.

² To be submitted under seal pending the Court's permission.

16. I also worked for United States District Judge Robert P. Patterson, Jr., in the Southern District of New York, for two New York State Supreme Court Justices, and at the New York State Legislature.

17. Prior to founding TWG, I was a lawyer in the labor and employment section of Morgan, Lewis & Bockius LLP ("Morgan Lewis"). At Morgan Lewis, I litigated cases on behalf of Fortune 500 clients on issues relating to a broad range of labor and employment matters. I also successfully defended clients at trial, including the Director of Anesthesiology at a local hospital who was sued by six other doctors during a two-week trial in Manhattan State Supreme Court.

18. Before joining Morgan Lewis, I served as an Assistant United States Attorney in the U.S. Attorney's Office for the Eastern District of New York. As a federal prosecutor, I successfully investigated and prosecuted hundreds of federal criminal cases. For example, I obtained murder-in-aid-of-racketeering and robbery convictions at trial of a violent gang that committed more than 20 armed robberies at banks throughout the city and shot and murdered several bank customers. I also successfully investigated and prosecuted a contract killer who carried out a brazen murder in Queens on behalf of a drug cartel and a bank robber who terrorized bank tellers and bank customers throughout the New York metropolitan area. I also supervised an undercover investigation of bribes and illegal drug sales of heroin, cocaine and methadone committed at the Veterans Affairs Medical Center in Brooklyn, which led to the arrest of 20 hospital employees and patients. The arrests in that case were widely reported by The New York Times.

19. I also conducted hundreds of grand jury investigations, negotiated countless plea agreements, engaged in extensive motion practice, and argued before the U.S. Second

Circuit Court of Appeals. I delivered opening statements during the federal criminal trial of New York City police officers for the brutal beating and torture of Abner Louima. I received numerous awards from the FBI and NYPD and was recognized by the U.S. Attorney's Office for my contributions.

20. I have litigated a wide range of employment discrimination cases and criminal matters in both federal and state courts. I have also obtained multiple verdicts in excess of \$1 million on behalf of employment discrimination plaintiffs in the United States District Court for the Southern District of New York (\$7.5 million in *Osorio v. Source Enterprises*, before Judge Rakoff; and \$1.2 million in *Nurse v. Concepts in Staffing*, before Judge Kaplan). My trials and investigations have resulted in a number of television and newspaper interviews, including interviews on Good Morning America, The Today Show, the Fox News Channel, MSNBC and CNN.

21. In addition to this trial and employment law experience, I have participated in some of the country's most prominent, high-profile investigations. For example, I was a member of the Treasury Department's Waco Administrative Review, which conducted the investigation ordered by then President Bill Clinton of the raid on the Branch Davidian Compound in Waco, Texas by federal agents, in which four federal agents were killed and 20 others were shot and seriously wounded. As a member of the Waco Administrative Review, I was one of the attorneys who drafted the official report on the Waco incident, known as the "Waco Report," which was submitted to President Clinton. At the Treasury Department, I also worked closely with Ronald K. Noble, who is now the Secretary General of Interpol, the international law enforcement agency in Lyon, France, and Robert McNamara, who went on to serve as General Counsel of the CIA.

22. The current hourly rate regularly charged for my services is in excess of \$750 per hour. The hourly rate requested herein for my services in this case is \$750 per hour.

QUALIFICATIONS OF OTHER ATTORNEYS AND STAFF

23. Andrew S. Goodstadt also provided assistance on this case throughout the litigation, including, in particular, in connection with witness and other pretrial preparation. Mr. Goodstadt is a partner with TWG who has been practicing law for over 11 years with a primary focus on litigation and labor and employment law. Mr. Goodstadt was associated with Proskauer Rose LLP and the Law Offices of Joseph E. Bachelder, the preeminent executive compensation law firm in the country, prior to joining TWG. Mr. Goodstadt is admitted to practice in the Southern, Eastern and Northern Districts of New York, and the Second Circuit Court of Appeals.

24. The current hourly rate charged for Mr. Goodstadt's services is \$750 per hour. The hourly rate for Mr. Goodstadt's services requested herein is \$625 per hour.

25. Ariel Y. Graff is a fourth-year associate at TWG. Mr. Graff has worked on this case from its inception, including drafting pleadings, memoranda of law, appellate briefs, and correspondence to the Court and opposing counsel. Mr. Graff was responsible for many aspects of discovery, took several depositions, represented Plaintiff in discovery disputes before Magistrate Judge Fox, and also assisted me as second chair at court appearances and throughout trial. Mr. Graff has been practicing law at TWG for over three years with a primary focus on employment litigation in federal courts, and is admitted to practice in the Southern, Eastern and Northern Districts of New York, the Western District of Michigan, and the Second Circuit Court of Appeals. Mr. Graff received his J.D. from UCLA School of Law, and a B.A., *cum laude*, from Brandeis University. In law school, Mr. Graff

served as Managing Editor of the UCLA Law Review, and authored a comment published by the UCLA Law Review, and an article published by the University of Hawaii Law Review.

26. The current hourly rate for services performed by Mr. Graff and other experienced associates at TWG ranges from \$450 to \$550 per hour. The hourly rate for Mr. Graff's services requested herein is \$450 per hour.

27. Lynne Kellet was a legal assistant with TWG who assisted the attorneys and paralegals with pretrial preparations, as well as throughout the trial. Ms. Kellet graduated in 2007 from the University of London, England, with an LLB (Honors) degree in law, and subsequently attended the Legal Practice Course at the College of Law in London, England.

28. Marshall Hendler is a paralegal with TWG who assisted with the paralegal duties associated with this matter, including throughout trial. Mr. Hendler is a graduate of Tufts University.

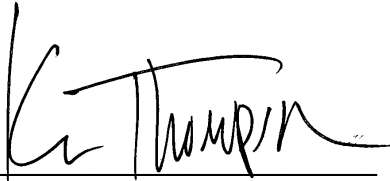
29. Ryan Rudich was a paralegal with TWG who assisted with the paralegal duties associated with this matter. He graduated from Tufts University in 2007, and assisted TWG in other trials. Mr. Rudich is now a law student at Cardozo School of Law.

30. The current hourly rate charged by TWG for the services provided by paralegals and legal assistants ranges from \$180 to \$185 per hour. The hourly rate requested herein is \$180 per hour.

WHEREFORE, by reason of the foregoing, and for all the arguments set forth in Plaintiff's papers submitted herewith, Plaintiff's Motion for Attorneys' Fees, Costs and Pre- and Post-Judgment Interest should be granted.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
April 21, 2010



Kenneth P. Thompson